

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 26, 2004**

UNAPPROVED
August 11, 2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION'S PERSONNEL AND BUDGET COMMITTEE MEMBERS CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE ONLY THE PUBLIC BUSINESS MATTERS LAWFULLY EXEMPT FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY THOSE MATTERS PREVIOUSLY IDENTIFIED IN THE MOTION TO CONVENE THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED BY THE COMMISSION PERSONNEL BUDGET COMMITTEE DURING THIS SESSION EARLIER THIS EVENING.

Commissioner Byers seconded the motion which carried unanimously.

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Chairman Murphy, on behalf of the Planning Commission members, expressed sympathy to former Commissioner, now Board of Supervisors member, Joan DuBois. Her mother, Genevieve Brodalski, passed away on Friday, May 21, 2004. He announced that funeral services would be held in Adams, Massachusetts, where her mother had resided.

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Commissioner Harsel announced that a Joint School Board/Planning Commission Committee meeting would be held on Thursday, June 3, 2004, at 7:30 p.m. in the Board Conference room. She noted that the agenda would be posted on the Planning Commission's website on Thursday, May 27, 2004.

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Commissioner Wilson announced that the Board of Supervisors' public hearing on the cluster subdivision Ordinance Amendments had been deferred until June 7, 2004 to give citizens additional time to review the Planning Commission actions on this matter.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER S04-IV-RH1, OUT-OF-TURN-PLAN AMENDMENT FOR HAYFIELD ANIMAL HOSPITAL, INDEFINITELY.

Commissioners Byers and Lawrence seconded the motion which carried unanimously, with Commissioner Alcorn not present for the vote.

Commissioner Lusk also MOVED THAT THE PLANNING COMMISSION REQUEST THAT THE BOARD OF SUPERVISORS DEFER INDEFINITELY THE OUT-OF-TURN-PLAN AMENDMENT FOR HAYFIELD ANIMAL HOSPITAL, S04-IV-RH1.

Commissioners Byers and Lawrence seconded the motion which carried unanimously, with Commissioner Alcorn not present for the vote.

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Chairman Murphy recognized Heidi Baggett, Associate Clerk to the Commission, who was transferring to the Department of Public Works and Environmental Services. He thanked her for her work with the Planning Commission and wished her well in her future endeavors.

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FS-V04-35 – OMNIPOINT (T-MOBILE), 5982 RICHMOND HIGHWAY

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE FINDING OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING IN FS-V04-35 AND RECOMMEND APPROVAL.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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FS-B04-29 - OMNIPOINT (T-MOBILE), 8996 BURKE LAKE ROAD

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION FIND THAT FS-B04-29 IS A "FEATURE SHOWN" UNDER *VIRGINIA CODE* SECTION 2232.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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FS-P04-5 OMNIPOINT (T-MOBILE), 8401 ARLINGTON BOULEVARD

Commissioner Lawrence MOVED CONSENT AGENDA ITEM FS-P04-5.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. SEA 94-Y-038-03 - ROBERT M. ROSENTHAL
2. SE 2003-SP-041 - COXCOM, INC. D/B/A/ COX COMMUNICATIONS
NORTHERN VIRGINIA

This order was accepted without objection.

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SEA 94-Y-038-03 - ROBERT M. ROSENTHAL - Appl. under Sects. 4-804, 9-620 and 14-903 of the Zoning Ordinance to amend SE 94-Y-038 to permit previously approved vehicle sales, rental and ancillary

service establishments, service station, car wash and waiver of certain sign regulations and to permit modification of development conditions pertaining to site lighting. Located at 4120 Auto Park Cr. on approx. 3.48 ac. of land zoned C-8, WS, AN and HC. Tax Map 33-2 ((5)) B. SULLY DISTRICT. PUBLIC HEARING.

James McCormack, Project Manager with Burgee and Niple, Inc. of Virginia, reaffirmed the affidavit dated August 11, 2003. There were no disclosures by Commission members.

Kristen Shields, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. McCormack stated that the applicant was requesting a waiver of lighting standards in order to illuminate the area surrounding the automobile display area within the Dulles Auto Park to 50 foot candles. He explained that the recently adopted Zoning Ordinance Amendment on outdoor lighting permitted an increase beyond the minimum allowed amount of 40 foot candles. He noted that the overall lighting of the site would be 23.3 foot candles and that the lighting would not be visible from the two nearby public streets and would not adversely affect residential development in the area. He concluded by saying that the proposal had a recommendation of approval by the Western Fairfax County Citizens Association (WFCCA).

Commissioner Koch commented that because this was the first case requesting a waiver of the new lighting standards in the Sully District, the WFCCA had thoroughly scrutinized this application before recommending approval.

Commissioner de la Fe disclosed that he would be abstaining from the vote on this case because he did not think a waiver was appropriate.

Commissioner Wilson said, in her opinion, a waiver of the lighting standards would be appropriate in this case.

Commissioner Hart noted that he also agreed that a waiver would be appropriate in this case and pointed out that it should not set a precedent for future cases.

In response to a question from Commissioner Alcorn, Commissioner Wilson explained that since light would be directed downward, it would not light up the dark sky.

Chairman Murphy called for speakers from the audience, but received no response. He noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 94-Y-038-03, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 24, 2004.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1, with Commissioner de la Fe abstaining.

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The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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SE 2003-SP-041 - COXCOM, INC. D/B/A/ COX COMMUNICATIONS NORTHERN VIRGINIA - Appl. under Sects. 4-604, 2-904 and 9-610 of the Zoning Ordinance to permit uses in a floodplain, fast food restaurant and waivers of the minimum lot area requirements. Located in the N.W. quadrant of the intersection of Burke Rd. and Burke Lake Rd. on approx. 1.76 ac. of land zoned C-6. Tax Map 78-1 ((1)) 27E and 37B. Also, under the Board's consideration will be the applicant's request for an exception (CBE Number 026438) under section 118-6-9 of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax to allow access for the proposed fast food restaurant to be located within the Resource Protection Area. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Inda Stagg, land use planner with Walsh, Colucci, Emrich, Lubeley, and Terpak, P.C. reaffirmed the affidavit dated March 22, 2004. Commissioner Hart disclosed that his law firm, Hart and Horan, P.C., had one pending case with Ms. Stagg's law firm, but it would not affect his ability to participate in this case.

Commissioner Murphy asked that Vice Chairman Byers ascertain whether there were any speakers in opposition to this application. There being none, Commissioner Murphy asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2003-SP-041, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 20, 2004.

Commissioner Hall seconded the motion which carried unanimously.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVE THE BARRIER REQUIREMENTS TO THE SOUTH IN FAVOR OF THAT SHOWN IN THE SE PLAT.

Commissioner Hall seconded the motion which carried unanimously.

Commissioner Murphy further MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE CBE 026438, SUBJECT TO THE APPROVAL OF THE SPECIAL EXCEPTION AND ITS PROPOSED CONDITIONS DATED MAY 12, 2004.

Commissioner Hall seconded the motion which carried unanimously.

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Chairman Murphy assumed the Chair and adjourned the meeting.

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The meeting was adjourned at 8:55 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Meeting taken by: Heidi E. Baggett
Minutes by: Kara A. DeArrastia

Approved on:

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission